

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROSEMARY A. LIGOTTI,
Plaintiff,

v.

ORDER
10-CV-0564A

PROVIDENT LIFE AND CASUALTY
INSURANCE COMPANY, and
THE UNUM GROUP,

Defendants.

The above-referenced case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(B). On December 1, 2011, Magistrate Judge Foschio filed a Report and Recommendation, recommending that (1) defendants' motion for judgment on the pleadings be converted to a motion for partial summary judgment and then granted, with the complaint dismissed as against Unum; (2) plaintiff's motion for leave to amend be denied; and (3) defendants' motion to compel plaintiff to submit to a physical examination be granted, with defendants to provide plaintiff with a copy of their expert opinion report within 30 days of the completion of Dr. Twist's examination.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' motion for judgment on the pleadings is converted to a motion for partial summary judgment

and is granted, with the complaint dismissed as against Unum; (2) plaintiff's motion for leave to amend is denied; and (3) defendants' motion to compel plaintiff to submit to a physical examination is granted, with defendants to provide plaintiff with a copy of their expert opinion report within 30 days of the completion of Dr. Twist's examination.

The case is referred back to Magistrate Judge Foschio for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: December 16, 2011